

United States Bankruptcy Court for the District of Delaware	
Name of Debtor: Earth Fare, Inc. Case Number: 20-10256	For Court Use Only Claim Number: 0000010548 File Date: 09/24/2020 16:39:27

Proof of Claim (Official Form 410)

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. With the exception of 503(b)(9), do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503. Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571. Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

04/19

Part 1: Identify the Claim	
1. Who is the current creditor? Name of the current creditor (the person or entity to be paid for this claim): <u>Alachua County Tax Collector</u> Other names the creditor used with the debtor: _____	
2. Has this claim been acquired from someone else? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	
Where should notices to the creditor be sent? Name <u>Alachua County Tax Collector</u> Address <u>ATTN: Matt Geiger</u> <u>12 SE 1st Street</u> City <u>Gainesville</u> State <u>FL</u> ZIP Code <u>32601</u> Country (if International): _____ Phone: _____ Email: <u>MattGeiger@AlachuaTaxCollector.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Address _____ _____ _____ City _____ State _____ ZIP Code _____ Country (if International): _____ Phone: _____ Email: _____
4. Does this claim amend one already filed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims register (if known) _____ Filed on _____ MM / DD / YYYY	5. Do you know if anyone else has filed a proof of claim for this claim? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed**6. Do you have any number you use to identify the debtor?**☒ No☐ Yes.

Last 4 digits of the debtor's account or any number you use to identify the debtor:

7. How much is the claim?

\$ 58,543.99

Does this amount include interest or other charges?☒ No☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).**8. What is the basis of the claim?**

Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.

Tax Claims

9. Is all or part of the claim secured?☐ No☒ Yes. The claim is secured by a lien on property.**Nature of property:**☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (official Form 410-A) with this *Proof of Claim*.☐ Motor vehicle☒ Other. Describe: Sales proceeds-University Towne Ctr**Basis for perfection:**

statutory, Fl. Stat. 197.122

Attach redacted copies of documents, if any, that show evidence of perfection of security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ 75,000.00**Amount of the claim that is secured:** \$ 58,543.99**Amount of the claim that is unsecured:** \$ _____
(The sum of the secured and unsecured amounts should match the amount in line 7.)**Amount necessary to cure any default as of the date of the petition:** \$ _____**Annual Interest Rate** (when case was filed) 18 %☒ Fixed ☐ Variable**10. Is this claim based on a lease?**☒ No☐ Yes. Amount necessary to cure any default as of the date of petition.

\$ _____

11. Is this claim subject to a right of setoff?☒ No☐ Yes. Identify the property:

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?☒ No☐ Yes. Check one:☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).☐ Other. Specify subsection of 11 U.S.C. § 507 (a) (_____) that applies.

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

13. Does this claim qualify as an Administrative Expense under 11 U.S.C. § 503(b)(9)?☒ No☐ Yes. Amount that qualifies as an Administrative Expense under 11 U.S.C. § 503(b)(9): \$ _____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
- ☒ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other co-debtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Lisa C. Cohen

09/24/2020 16:39:27

Signature

Date

Provide the name and contact information of the person completing and signing this claim:

Name Lisa C. Cohen

Address 4010 Newberry Road, Ste. G

City Gainesville

State FL

Zip 32607

Country (in international) _____

Phone (904) 720-0070

Email LisaCohen@bellsouth.net

Attachment to Claim of Alachua County Tax Collector

Attached hereto are copies of the 2019 and 2020 Notice of Ad Valorem Taxes owed to the Alachua County Tax Collector. At the time of the filing of the petition, the 2019 taxes had become due but did not become past due until April 1, 2020. The 2020 taxes arose as of January 1, 2020, but do not become due until November, 2020. Fla. Stat. sec. 197.122 provides that such taxes are secured by a first priority lien on the personal property which is subject to the tax.

The subject taxes were secured by a first priority lien on property owned by the Debtor as of the date of the petition and located at University Town Center in Gainesville, Alachua County, Florida. The Debtor sold the subject property pursuant to court order, see Doc. No. 296. The subject order provided that taxes owed on the property would attach to the sales proceeds in order of priority. The Alachua County Tax Collector holds a first priority lien on the subject sales proceeds which are held by the Debtor.

Pursuant to Fla. Stat. sec. 197.172, the tax accrues interest at the rate of 1.5% per month. Post-petition interest is owed pursuant to 11 U.S.C. sec. 506. The current balance owed as of this date is \$41,446.06 for 2019 and \$25,366.61 for 2020, for a total amount of **\$67.869.61.**



3045 SW 34TH ST

Please Retain this Portion for your Records. Receipt Available Online

2 00046040 2019 8

179218

No Personal or Business Checks for Delinquent Taxes.

Please Pay with Cash, Cashier's Check or Certified Funds Only.

3045 SW 34TH ST

Corrected

EARTH FARE INC
EARTH FARE # 560
220 CONTINUUM DR
FLETCHER, NC 28732


Please Retain this Portion for your Records. Receipt Available Online

WANT TO RECEIVE YOUR BILL ELECTRONICALLY NEXT YEAR? VISIT www.AlachuaCollector.com AND SIGN UP FOR E-BILLS!

PAY ONLINE WITH E-CHECK



SCAN TO PAY

PAY ONLY ONE AMOUNT. 

COMBINED TAXES AND ASSESSMENTS	\$26,423.55
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JOHN POWER, CFC
ALACHUA COUNTY TAX COLLECTOR

179218

PLEASE PAY IN U.S. FUNDS (NO POSTDATED CHECKS) TO JOHN POWER, TAX COLLECTOR • 12 SE 1st ST, GAINESVILLE, FL 32601

No Personal or Business Checks for Delinquent Taxes.

Please Pay with Cash, Cashier's Check or Certified Funds Only.

EARTH FARE INC
EARTH FARE # 560
220 CONTINUUM DR
FLETCHER, NC 28732

IF PAID BY	PLEASE PAY
<input type="checkbox"/> Jul 31, 2020	\$25,366.61